

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

"District"

FILED
00 APR -7 PM 5:07
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Jeffer E walker,

plaintiff

vs.

John Doe, et al.,

Defendant

No. C-08-0801 CRB (PR)

MOTION

Brief In opposition

To Dismiss and Amend

Discovery Motion

Rule 26 through 37, Fed. R. Civ. P. If not current please understand I am not experienced at this but am attempting to get the names of the John and any Jane does involved at the county Jail in both official and medical. I am not able to have a meeting with these parties to obtain these documents so I ask the court to order the production of the following information from San Francisco county Jail these documents and Info needed are.

1. Any and all Incident reports By CJ_+ 1 on slicing or cutting wrist Between the months of May-2005 to January 2006 Jail number #2219428

2. Any and all Bed moves between Same time as above and dates.

3. Any and all reports of calls to Medical and all staff involved

4. Any and all Documents written by staff who witnessed or were told of Me Cutting my wrist between same dates as above and there version.

5. Any and all locations of Cutting wrist incident reports Same dates

6. Any and all investigation unto incidents Same dates

7. Any and all Supervisor officials notification of cutting wrist
Incidents between May 2005 & January 2006 CJ_1

8. Any and all grievances from May 2005 to January 2006 CJ-1

9. Any and all Jail investigation complaint investigated and by who

10 Any and all names of Captains in CJ-1 During Same months

11. Any and all Internal affairs from outside agency conducted between
May 2005 till March 2008 concerning complaints filed to them.

12. Any and all cellies names housed with in CJ_1 Same time period.

13. Request to later add or Amend additional Information needed in defense.

Mediacal Request

Pleas Order Medical & Mental health

To release copies of any and all Mental health referrals and Admittances.
Between the months of May 2005 and January 2006

2. Any and all medical staff names who were notified or did an assesment

3. Any and all mental health Assesments and reports & referrals during
Same times noted.

3. Any and all referrals to mental health after cutting wrist in CJ-1

4. Any and all medical medication or medical treatment Same times

5. Any and all Mental health treatment during same time.

Request that all parties

Submit

any and all documents Etc. Concerning referrals or placements into the
Safety cell In CJ - 1 Same time period noted May 2005 to Jan-2006

Last request

Internal affairs legal investigations and officers involved investigating
Submitt all the investigation info done on complaints Same time

1 This information and request is critical so as to be able to identify
2 the parties involved and note who did what that caused each act or offense.
3

4 In order for me to have a fair review these documents are needed were
5 staff have ignored my request even Internal Affairs.
6 See:Exhibit A Attached.

7
8 1.County Jail San Francisco 850 Bryant Street

9 2.Mental Health 850 Bryant Street

10 3.Internal Affairs Agent L.T. Quaintico 25 Van Ness Av, San Francisco Ca.

11 94102 Suite # 350 Or to any party responsible for litigation
12 or investigative who may be at a separate office.

13

14 Request for an Extension of time to Respond

15 And Amend the names after discovery

16 And Request a demand for Jury trial after submittal

17 Request U.S. Marshals to serve all parties with

18 court order and request info

19 Very truly yours

20 Jeffery Walker Sr.

21

22 thank you

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FILED

MAR 14 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEFFERY E. WALKER,

Plaintiff(s),

vs.

JOHN DOE, et al.,

Defendant(s).

No. C 08-0801 CRB (PR)

ORDER OF DISMISSAL WITH
LEAVE TO AMEND

Plaintiff, a prisoner at the California Medical Facility in Vacaville, has filed a pro se complaint for damages under 42 U.S.C. § 1983 alleging that, while he was at the San Francisco County Jail, jail officials denied him adequate mental health treatment. Plaintiff only names John and Jane Doe defendants.

DISCUSSION

A. Standard of Review

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint "is frivolous, malicious, or fails to state a claim upon which relief may be

1 granted," or "seeks monetary relief from a defendant who is immune from such
2 relief." Id. § 1915A(b). Pro se pleadings must be liberally construed, however.
3 Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990).

4 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two
5 elements: (1) that a right secured by the Constitution or laws of the United States
6 was violated, and (2) that the alleged violation was committed by a person acting
7 under the color of state law. West v. Atkins, 487 U.S. 42, 48 (1988).

8 **B. Legal Claims**

9 Deliberate indifference to serious medical needs violates the Eighth
10 Amendment's proscription against cruel and unusual punishment. See Estelle v.
11 Gamble, 429 U.S. 97, 104 (1976). But in order to state a cognizable claim for
12 damages under § 1983, plaintiff must set forth specific allegations showing how
13 each defendant's actions and/or omissions were the "actual and proximate cause"
14 of the deprivation of which plaintiff complains. See Leer v. Murphy, 844 F.2d
15 628, 634 (9th Cir. 1988). Plaintiff has not done so.

16 Plaintiff may have a cognizable claim for damages under § 1983 against
17 the individual Doe defendants. But in order to proceed, plaintiff must identify
18 the Doe defendants, and amend his complaint to name them and set forth specific
19 facts as to how each individual defendant violated his rights. See Wakefield v.
20 Thompson, 177 F.3d 1160, 1163 (9th Cir. 1999). Plaintiff will be afforded 30
21 days from the date of this order to identify the unknown Doe defendants and
22 amend his complaint.

23 **CONCLUSION**

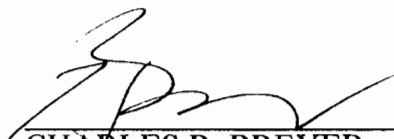
24 For the foregoing reasons, the complaint is dismissed with leave to amend,
25 as indicated above, within 30 days of this order. The pleading must be simple
26 and concise and must include the caption and civil case number used in this order
27
28

1 and the words FIRST AMENDED COMPLAINT on the first page. Failure to
2 file a proper amended complaint within the designated time will result in the
3 dismissal of this action.

4 Plaintiff is advised that the amended complaint will supersede the original
5 complaint and all other pleadings. Claims and defendants not included in the
6 amended complaint will not be considered by the court. See King v. Atiyeh, 814
7 F.2d 565, 567 (9th Cir. 1987).

8 SO ORDERED.

9 DATED: March 14, 2008


10 CHARLES R. BREYER
11 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JEFFERY EUGENE WALKER,
Plaintiff,

Case Number: CV08-00801 CRB

CERTIFICATE OF SERVICE

v.

JOHN DOE et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 14, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jeffery E. Walker F-11343
CMF
P.O. Box 2000
Vacaville, CA 95696-2000

Dated: March 14, 2008

Richard W. Wieking, Clerk
By: Barbara Espinoza, Deputy Clerk

people v Jeffery Walker
Case Name: 08-0801 CRB
Case Number: A11277b
Court: First Appellate District

PROOF OF SERVICE BY MAIL

I, Jeffery Walker declare:

That I am over the age of eighteen years of age and am not a party to the above entitled cause of action.
That I reside in Solano County, California at the California Medical Facility, at 1600 California Drive, P.O. Box 2500, Vacaville, California, 95696-2500.

That on 5-30-08 I served the attached: a true copy of the attached:

motion letter brief- Re-clarification and
request of brief submitted on Appeal
that was misunderstood please Amend with
clarification, 6 pgs letter brief, Exhibits A, B, C
by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal legal mail collection system at the California Medical Facility, Vacaville, California, addressed as follows:

Attorney at Law
Linda M Lavitt
5214 F Diamond Heights
PMB 312
SAN FRANCISCO CA 94131

I declare under penalty of perjury and under the laws of the State of California that the foregoing is true and correct. That this proof of service was executed on the 5-30-08 at California Medical Facility, Vacaville, California.

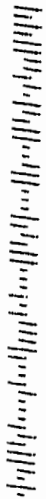
Jeffery Walker
Declarant

Jeffery Walker
Declarant's Signature

Te,

CMF P.O. BOX 2000

Vacaville CA 95696-2000



CA MEDICAL FACILITY

FIRST CLASS



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Northern District of California
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San Francisco CA 94102

LEGAL MAIL